



PUBLIC NOTICE

Federal Communications Commission
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DA 08-2213

Released: October 1, 2008

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF CERTAIN
ASSETS OF AFFINITY TELECOM, INC. BY LIBERTY BELL TELECOM, LLC.**

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 08-195

Comments Due: October 15, 2008

Reply Comments Due: October 22, 2008

On August 8, 2008, Affinity Telecom, Inc. (Affinity) and Liberty Bell Telecom, LLC. (Liberty) (collectively, the Applicants) filed the following application pursuant to section 63.03 of the Commission's rules requesting approval for the acquisition of certain assets of Affinity by Liberty.¹ The Applicants request expedited review and processing of the application due to the imminent business failure of Affinity.

Affinity, a Colorado corporation, provides local and long distance services to small business and residential customers in Colorado and to a smaller number of customers in multiple other states. Mr. Fred Chernow (59%) and Mr. Gary Garrison (29%), both U.S. citizens, are the only holders of greater than ten percent interest in Affinity's common stock.

Liberty, a Colorado limited liability corporation, is a non-facilities based competitive local exchange carrier that purchases local and long distance services from Qwest Communications International Inc. and resells those services to small business and residential customers located throughout Colorado. Liberty Bell is a wholly owned subsidiary of Multi-Link Telecom, LLC (Multi-Link), a Colorado Limited Liability corporation. Ms. Brenda Alexander (56%) and Mr. Thomas G. Martino (12%), both U.S. citizens, are the only owners with a greater than ten percent interest in Multi-Link.

On July 31, 2008, Liberty and Affinity entered into an Asset Purchase Agreement whereby Liberty agreed to purchase from Affinity certain regulated assets, including Affinity's subscriber accounts and accounts receivables. Affinity is currently still providing uninterrupted services to its 4,000 customers. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.²

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. On September 16, 2008, the Wireline Competition Bureau granted the Applicants' request for Special Temporary Authority, effective for 60 days. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications. Applicants filed a supplement to their application.

² 47 C.F.R. § 63.03(b)(2)(i).

GENERAL INFORMATION

The Wireline Competition Bureau finds, upon initial review, that the transfer of control identified herein is acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 C.F.R. § 63.03(a), interested parties may file comments **on or before October 15, 2008**, and reply comments **on or before October 22, 2008**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.³ Comments must be filed electronically using (1) the Commission's Electronic Comment Filing System (ECFS) or (2) the Federal Government's eRulemaking Portal. *See* 47 C.F.R. § 63.03(a) ("All comments on streamlined applications shall be filed electronically . . ."); *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Comments may be filed electronically using the Internet by accessing the ECFS, <http://www.fcc.gov/cgb/ecfs/>, or the Federal eRulemaking Portal, <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

In addition, email one copy of each pleading to each of the following:

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., fcc@bcpiweb.com; phone: 202 / 488-5300; fax: 202 / 488-5563;
- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, tracey.wilson-parker@fcc.gov;
- 3) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson.@fcc.gov;
- 4) David Krech, International Bureau, Policy Division, International Bureau, david.krech@fcc.gov;
- 5) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

³ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; telephone: 202 / 488-5300; fax: 202 / 488-5563; email: fcc@bcpiweb.com; url: www.bcpiweb.com.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202 / 418-0530 (voice), 202 / 418-0432 (tty).

For further information, please contact Tracey Wilson-Parker at 202 / 418-1394 or Dennis Johnson at 202 / 418-0809.

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